

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Nextel Communications of the Mid-Atlantic, Inc.	)	EB-FIELDNER-12-00000712
	)	
Licensee of Radio Station WPSD599	)	
	)	
Philipsburg, New Jersey	)	NOV No. V201232400028
	)	
	)	

**NOTICE OF VIOLATION**

**Released: February 14, 2012**

By the Acting District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules<sup>1</sup> to Nextel Communications of the Mid-Atlantic, Inc. (Nextel), the licensee of Specialized Mobile Radio (SMR) Station WPSD599 in Philipsburg, New Jersey.
  
2. On January 22, 2012 in response to a complaint of interference, agents of the Enforcement Bureau's Philadelphia Office used radio direction finding techniques and located the interference source to a bi-directional amplifier (BDA) owned by Nextel and operated by the First Energy Telecommunications Facility at 301 Red School Lane in Phillipsburg, New Jersey. The agents conducted on/off tests and confirmed that the BDA was the source of the interference. During the inspection of the BDA's operation, the agents observed the following violation:

47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Service must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in the Section 1.903(b)." The BDA was emitting a drifting signal on approximately 806.13 MHz, a frequency not authorized by Station WPSD599's license.
  
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's rules, Nextel must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for

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<sup>1</sup>47 C.F.R. § 1.89.

<sup>2</sup>47 U.S.C. § 308(b).

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completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Nextel Communications of the Mid-Atlantic, Inc. at its address of record.
5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
Acting District Director  
Philadelphia District Office  
Northeast Region  
Enforcement Bureau

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<sup>3</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup>18 U.S.C. § 1001 *et seq.*